

annual checklist with a comprehensive medical evaluation; (2) each driver must report within two business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) each driver must submit an annual ophthalmologist's or optometrist's report; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

#### V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

#### VI. Conclusion

Based upon its evaluation of the 186 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce. In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: February 7, 2018.

Larry W. Minor,

Associate Administrator for Policy.

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2018-0021]

#### Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of denials.

**SUMMARY:** FMCSA announces its decision to deny applications from 97 individuals who requested an exemption from the Federal Motor Carrier Safety Regulations (FMCSRs) prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating a commercial motor vehicle (CMV) in interstate commerce.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, [fmcamedical@dot.gov](mailto:fmcamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

#### SUPPLEMENTARY INFORMATION:

##### I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

*Docket:* For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

*Privacy Act:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

##### II. Background

FMCSA received applications from 97 individuals who requested an exemption from the FMCSRs prohibiting persons with ITDM from operating a CMV in interstate commerce.

FMCSA has evaluated the eligibility of these applicants and concluded that granting these exemptions would not provide a level of safety that would be equivalent to or greater than, the level of safety that would be obtained by complying with the regulation 49 CFR 391.41(b)(3).

### III. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption if it finds such an exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such an exemption.

The Agency's decision regarding these exemption applications is based on the eligibility criteria, the terms and conditions for Federal exemptions, and an individualized assessment of each applicant's medical information provided by the applicant.

### IV. Conclusion

The Agency has determined that these applicants do not satisfy the criteria eligibility or meet the terms and conditions of the Federal exemption and granting these exemptions would not provide a level of safety that would be equivalent to or greater than, the level of safety that would be obtained by complying with the regulation 49 CFR 391.41(b)(3). Therefore, the 97 applicants in this notice have been denied exemptions from the physical qualification standards in 49 CFR 391.41(b)(3).

Each applicant has, prior to this notice, received a letter of final disposition regarding his/her exemption request. Those decision letters fully outlined the basis for the denial and constitutes final action by the Agency. This notice summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following 12 applicants met the diabetes requirements of 49 CFR 391.41(b)(3) and do not need an exemption:

Jerome E. Bembry (FL)  
Scott J. Blair (MI)  
Bryan D. Cash (MI)  
John C. Czar (PA)  
James P. Despirito (PA)  
Lawrence Jackson (MO)  
Curtis L. Jones (NY)  
Wesley A. McLaughlin (PA)  
Francisco Paz (TX)  
Keith R. Smith (MN)  
Eloy O. Valdez (CA)  
Matthew Windle (GA)

The following 55 applicants were not operating CMVs in interstate commerce:

Warren E. Akiona (WA)  
Mohammed B. Alnounou (MI)  
Robert F. Aubert (IA)  
David G. Barclay (PA)  
Roy E. Barticcio (NY)  
Lucrecia Bethea (NJ)  
Michael A. Bogardus (NY)  
Vincent F. Brewer (MI)

Christopher W. Brown (FL)  
 Rodney W. Buxkemper (TX)  
 Douglas R. Christian (GA)  
 Marie A. Clark (MA)  
 Daniel G. Close (AL)  
 Timothy P. Deignan (MA)  
 Roy D. Draughon (OH)  
 Saul Garcia (CA)  
 John A. Gott (MD)  
 Paul T. Haegele (ND)  
 David A. Heard (SD)  
 Marvin M. Heatherly (TN)  
 Justin M. Herb (IN)  
 Daniel T. Hernandez (TX)  
 Terry D. Higdon (TN)  
 Donald F. Higgins (IN)  
 Steven W. Hobbs (GA)  
 Demarco L. Johnson (GA)  
 Howard Jones (NY)  
 Hoyt M. Jordan (IA)  
 David E. Logan (OR)  
 Aner A. Maldonado (IL)  
 Robert R. Martinez (CA)  
 Daniel P. McCartney (IL)  
 James A. McFail (DC)  
 Richard A. Miller (PA)  
 Domenic Moffo (CT)  
 James P. Moran (WV)  
 James L. Morgan, Jr. (NC)  
 Steven E. Novitski (WI)  
 Mark A. Nowakowski (WA)  
 Michael A. Ragan (MD)  
 Timothy E. Reilly (CT)  
 Michael L. Roberts (IA)  
 Jesus P. Sanchez (AZ)  
 Rafael Santiago (FL)  
 Dewey D. Shawver (WA)  
 Kenneth J. Sortman (OH)  
 Wendell A. Sowards (OH)  
 Edward R. Sutton (CA)  
 Austin M. Thies (IA)  
 Hughes Tranquille (NY)  
 Robert E. Trumbull (OH)  
 Ronald L. Weaver (PA)  
 Walter S. Whitehorn (AK)  
 Bruce A. Willard (NH)  
 Ricky D. Yates (GA)

The following two applicants have had more than one hypoglycemic episode requiring hospitalization or the assistance of others, or has had one such episode but has not had one year of stability following the episode: Steven G. Donovan, (MO); Dagmar E. Kark, (WA).

The following four applicants had other medical conditions making the applicant otherwise unqualified under the Federal Motor Carrier Safety Regulations:

Carl Bouie (MD)  
 Kenneth D. Ettinger (PA)  
 Leonard W. Narragon (TX)  
 Roger G. Rousseau (WA)

The following three applicants did not have endocrinologists willing to make statements that they are able to operate CMVs from a diabetes

standpoint: Mohd Issa R.A. El Muhtaseb, (IL); Eleazar Pina, (IL); Robert B. Puckett, (IL).

The following two applicants have peripheral neuropathy or circulatory insufficiency of the extremities likely to interfere with the ability to operate a CMV: Flavio Pereira, (MA); Charlie T. Melson, (GA).

The following applicant does not meet the minimum age criteria outlined in 49 CFR 391.41(b)(1) which states that an individual must be at least 21 years old to operate a CMV in interstate commerce: Michael J. Sabarese, (NJ).

The following 18 applicants were exempt from the diabetes standard:

Troy L. Bunch (NC)  
 Shawn M. Cody (IN)  
 Rodger L. Davis (VA)  
 Stuart A. Desautel (WA)  
 Gary D. Detwiler (CA)  
 Gary M. Fuller (IN)  
 Herman Harris (SC)  
 Kenneth L. Johnson (FL)  
 Paul Key (IL)  
 Leodon L. Killinger (ME)  
 James C. Lewis (LA)  
 Mario M. Moreno (CA)  
 Robert C. Newell (KY)  
 Pedro Pagan (NY)  
 Horace G. Perry (TX)  
 Domingo D. Rangel (TX)  
 Dale Z. Stephens (PA)  
 David D. Trupia (NY)

Issued on: February 7, 2018.

**Larry W. Minor,**

*Associate Administrator for Policy.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2017-0254]

#### Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of applications for exemption; request for comments.

**SUMMARY:** FMCSA announces receipt of applications from six individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a commercial motor vehicle (CMV) to drive in interstate commerce. If granted, the exemptions

would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

**DATES:** Comments must be received on or before March 16, 2018.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2017-0254 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.

- *Fax:* 1-202-493-2251.

*Instructions:* Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below for further information.

*Docket:* For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

*Privacy Act:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA,